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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,762	01/25/2001	Robert A. Wright	17887004500	7760

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER
LEE, PHILIP C

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/770,762	WRIGHT ET AL.
Office Action Summary	Examiner	Art Unit	
	Philip C. Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 November 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-7 and 9-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-7 and 9-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   This action is responsive to the amendment and remarks filed on November 03, 2005.

2.   Claims 1, 3-7 and 9-21 are presented for examination and claims 2, 8 and 22-29 are

cancelled.

3.   The text of those sections of Title 35, U.S. code not included in this office action can be

found in a prior office action.

4.   Claims 13 (line 2) and 14 (line 4) are objected to because of the following informalities

and grammar errors, "sever". Appropriate correction is required.

5.   Claim 3 is objected to because it depends from a dependent claim that was cancelled.

Appropriate correction is required.

Claim Rejections – 35 USC 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al,

U.S. Patent 6,625,624 (hereinafter Chen) and Mathur et al, U.S. Patent 6,704,807 (hereinafter

Mathur) in view of Kapoor, U.S. Patent 6,205,489 (hereinafter Kapoor).

8.   Chen and Mathur were cited in the last office action.

9.   As per claim 1, Chen taught the invention substantially as claimed comprising:

Web server (50, 30,fig. 1) having a first proxy (50, fig. 1), and a first memory (130, 150,

fig. 1); and

a plurality of executing servers (70, fig. 1), each executing server having a second proxy

(col. 2, lines 7-9; fig. 1; col. 3, lines 54-55; col. 5, lines 6-9), a second memory (col. 3,

lines 20-21),

wherein the first proxy and second proxy are software modules (e.g. implemented as Java

classes) configured to form a communication link with each other (col. 3, lines 29-32, 35-

60), and

wherein the selected Web server transmits a second request to one or more of the

executing servers in response to the first request (col. 3, lines 38-45) using the first and

second proxies (col. 3, lines 54-55).

10.   Chen did not teach partitioning the memory into a plurality of slots and each slot being

assigned to one of the plurality of processes. Mathur taught comprising:

a plurality of processes, the memory having a plurality of slots, each slot being assigned

to one of the plurality of processes (col. 7, line 61-col. 8, line 14) and configured to store data to

be transmitted or received by the assigned process (inherently comprised).

11.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen and Mathur because Mathur's method of

assigning memory slot to a process would increase the reliability of Chen's system by avoiding

error due to applications accessing memory outside of their allocated slot (col. 8, lines 5-7).

12.   Chen and Mathur did not specifically teach web servers have respective Internet protocol

addresses and a naming server. Kapoor taught a communication system, comprising:

        a plurality of Web servers having respective Internet Protocol (IP) addresses (col. 1, lines

        45-48; col. 2, lines 5-8; fig. 2), and

        a naming server configured to provide an IP address of a selected Web server to a client,

        so that the client can send a first request to the selected Web server (col. 1, lines 29-37;

        col. 2, lines 55-59).

13.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur and Kapoor because Kapoor's

teaching of the naming server would increase the efficiency of Chen's and Mathur's systems by

providing IP addresses for the plurality of Web servers of an internet host to be utilized, thus

reducing the response times (col. 2, lines 47-52).

14.   As per claim 3, Chen, Mathur and Kapoor taught the invention substantially as claimed in

claim 1 above. Chen further taught wherein the client is a browser (col. 2, lines 66-67; col. 3,

lines 24-25)

15.   Claims 4-7 and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chen, Mathur and Kapoor in view of Lanteigne et al, U.S. Patent 6,557,056 (hereinafter

Lanteigne).

16.   Lanteigne was cited in the last office action.

17.   As per claim 4, Chen, Mathur and Kapoor taught the invention substantially as claimed in

claims 1 above. Chen, Mathur and Kapoor did not teach input/output space to temporarily store

data received/transmitted. Lanteigne further taught wherein each of the first slots, includes:

> a first input space to temporarily store data to be transmitted to a destination node via the
>
> first proxy, wherein the data is generated by the first process that is associated with the
>
> first input space (col. 13, lines 5-31); and
>
> a first output space to temporarily store data received from a source node via the first
>
> proxy, wherein the data received is directed to the first process that is associated with the
>
> first output space (col. 13, lines 5-31).

18.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne because

Lanteigne's method of input/output space would increase the flexibility of Chen's, Mathur's and

Kapoor's systems by allowing different software applications enqueue data at their own speed

without significantly impacting other software applications (col. 13, lines 29-31).

19.   As per claim 5, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially as

claimed in claim 4 above. Lanteigne further taught including a plurality of mark devices, each

mark device being assigned to one of the first input spaces to indicate whether data can be

written into the first input space to which the mark device is assigned and to one of the first

output spaces to indicated whether the first output space to which the mark device is assigned

contains data received from the source node via the first proxy (col. 9, lines 37-42; col. 16, lines

7-36).

20.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne for the

same reason set forth in claim 4 above.

21.   As per claim 6, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially as

claimed in claim 5 above. Lanteigne further taught wherein each of the second slots, includes:

a second input space to temporarily store data to be transmitted to a destination node via

the second proxy, wherein the data is generated by the second process that is associated

with the second input space (col. 13, lines 5-31); and

a second output space to temporarily store data received from a source node via the

second proxy, wherein the data received is directed to the second process that is

associated with the second output space (col. 13, lines 5-31).

22.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne for the

same reason set forth in claim 4 above.

23.   As per claim 7, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially as

claimed in claim 6 above. Lanteigne further taught including a plurality of mark devices, each

mark device being assigned to one of the second input spaces to indicate whether data can be

written into the second input space to which the mark device is assigned and to one of the second

output spaces to indicate whether the second output space to which the mark device is assigned

contains data received from the source node via the second proxy (col. 9, lines 37-42; col. 16,

lines 7-36).

24.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne for the

same reason set forth in claim 4 above.

25.   As per claim 9, Chen taught the invention substantially as claimed comprising:

a plurality of browsers (fig. 1; col. 1, lines 31-36);

a plurality of web servers to handle requests from the plurality of browsers (col. 2, lines 7-9; col. 2, lines 63-col. 3, lines 19), each web server having a first proxy (col. 2, lines 59-67; fig. 1), and a first shared memory (col. 3, lines 20-21); and

a plurality of executing servers to communicate with the web servers (fig. 1; col. 2, lines 67-col. 3, lines 19), each executing server having a second proxy (col. 2, lines 7-9; fig. 1; col. 3, lines 54-55; col. 5, lines 6-9), and a second memory (col. 3, lines 20-21), wherein the first proxy and second proxy are software modules (e.g. implemented as Java classes) configured to form a communication link with each other (col. 3, lines 29-32, 35-60).

26.   Chen did not teach partitioning the memory into a plurality of slots and each slot being assigned to one of the plurality of processes. Mathur taught comprising:

a plurality of processes, the memory having a plurality of slots, each slot being assigned to one of the plurality of processes (col. 7, line 61-col. 8, line 14) and configured to store data to be transmitted or received by the assigned process (inherently comprised).

27.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen and Mathur because Mathur's method of

assigning memory slot to a process would increase the reliability of Chen's system by avoiding

error due to applications accessing memory outside of their allocated slot (col. 8, lines 5-7).

28.   Chen and Mathur did not specifically teach web servers have respective Internet protocol

addresses and a naming server. Kapoor taught a communication system, comprising:

      a plurality of Web servers having respective Internet Protocol (IP) addresses (col. 1, lines

      45-48; col. 2, lines 5-8; fig. 2), and

      a naming server configured to provide an IP address of a selected Web server to the

      browser, so that the browser can send a first request to the selected Web server using the

      IP addresses received from the naming server (col. 1, lines 29-37; col. 2, lines 55-59).

29.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur and Kapoor because Kapoor's

teaching of the naming server would increase the efficiency of Chen's and Mathur's systems by

providing IP addresses for the plurality of Web servers of an internet host to be utilized, thus

reducing the response times (col. 2, lines 47-52).

30.   Chen, Mathur and Kapoor did not teach mark device for indicating whether data can be

written or read from the slots by the processes. Lanteigne taught mark devices being assigned to

the slots and being operable to indicate whether data can be written or read from the slots by the

processes (col. 9, lines 37-42; col. 6, lines 7-36), wherein each first slot includes a dedicated

input section to receive data to be transmitted and a dedicated output section to store data to be

received (col. 13, lines 5-31), and

wherein each second slot includes a dedicated input section to receive data to be

transmitted and a dedicated output section to store data to be received (col. 13, lines 5-31).

31.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne because

Lanteigne's method of mark device would increase the application's alertness of Chen's,

Mathur's and Kapoor's systems by providing notification to software application that a message

has been enqueued into a receive queue for the particular software application (col. 16, lines 8-

11).

32.   As per claims 10, 13 and 21, they fail to teach or define above or beyond claims (already

rejected claims 1, 4, 5, 6, 7).

33.   As per claim 14, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially

as claimed in claim 13 above. Chen further taught including a client of the first server, wherein

the request transmitted to the second server is generated in response to a request transmitted by

the client to the first server (fig. 1; col. 2, lines 67-col. 3, lines 19).

34.   As per claim 15, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially

as claimed in claim 14 above. Chen further taught wherein the first server is a Web server and

the client is a browser (col. 2, lines 66-67; col. 3, lines 24-25).

35.   As per claim 16, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially

as claimed in claim 13 above. Lanteigne further taught wherein each of the first slots includes a

first input space and the request stored in the first slot is stored in the first input space of that first

slot (col. 13, lines 5-31).

36.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne because

Lanteigne's method of input/output space would increase the flexibility of Chen's, Mathur's and

Kapoor's systems by allowing different software applications enqueue data at their own speed

without significantly impacting other software applications (col. 13, lines 29-31).

37.   As per claim 17, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially

as claimed in claim 16 above. Lanteigne further taught comprising:

        changing a state of a process mark device corresponding to the first input space wherein

the request stored in the second slot is stored in the second output space of that second slot (col.

9, lines 37-42; col. 16, lines 7-36).

38.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne for the

same reason set forth in claim 16 above.

39.   As per claims 11 and 18, Chen, Mathur, Kapoor and Lanteigne taught the invention

substantially as claimed in claims 10 and 16 above. Lanteigne further taught wherein each of the

second slots includes a second output space and the request stored in the second slot is stored in

the second output space of that second slot (col. 13, lines 5-31).

40.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne for the

same reason set forth in claim 16 above.

41.   As per claims 12 and 19, Chen, Mathur, Kapoor and Lanteigne taught the invention

substantially as claimed in claims 11 and 18 above. Lanteigne further taught wherein the second

server further includes a plurality of process mark devices, each of the process mark devices

being assigned to one of the second output space, the method further comprising:

        changing a state of a process mark device corresponding to the second output space

wherein data is stored to indicate that the second output space contains data (col. 9, lines 37-42;

col. 16, lines 7-36).

42.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Chen, Mathur, Kapoor and Lanteigne for the

same reason set forth in claim 16 above.

43.   As per claim 20, Chen, Mathur, Kapoor and Lanteigne taught the invention substantially

as claimed in claim 13 above. Chen further taught wherein there are a plurality of the first

servers and a plurality of the servers (40, 50, 70, fig. 1).

44.   Applicant's arguments with respect to claims 1, 3-7 and 9-21, filed 11/05/05, have been

fully considered but are moot in view of the new grounds of rejection.

CONCLUSION

45.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action. Any inquiry concerning this communication or

earlier communications from the examiner should be directed to Philip C Lee whose telephone

number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM

Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The

fax phone number for the organization where this application or proceeding is assigned is 571-

273-8300. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100